

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

NICHIA CORPORATION,

*Plaintiff,*

v.

EVERLIGHT ELECTRONICS CO., LTD.,  
EVERLIGHT AMERICAS, INC., ZENARO  
LIGHTING, INC. and ZITROZ LLC,

*Defendants.*

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CASE NO. 2:13-CV-702-JRG


**ORDER**

The Court enters this Order *sua sponte*. On May 11, 2015, the Court held a three-day bench trial in this case. On January 25, 2016, the Court entered a Memorandum Opinion and Order setting forth its Findings of Fact and Conclusions of Law (Dkt. No. 193) and resulting Judgment (Dkt. No. 194). In the Judgment, the Court ordered the Parties to file a “Joint Status Report on the issue of any potentially recoverable monetary damages in this case.” (Dkt. No. 194.) After review of the Joint Status Report filed by the Parties on February 15, 2016, (Dkt. No. 198) and considering the same in light of the evidence presented at trial, the Court finds and **ORDERS** that all monetary damages through entry of judgment were waived by the Plaintiff by the filing of the Second Amended Complaint in which Plaintiff sought only injunctive relief based upon an assertion that money damages were inadequate to remedy what was alleged to be irreparable harm. (*See* Dkt. No. 198 at 4.) Accordingly, there is no issue as to damages remaining in this case which could be severed.

Any asserted post-trial monetary damages must be addressed in a new and separately-filed action. Such may not be properly addressed by means of a severance.

Given that all issues presented in this case have been fully adjudicated, the Clerk is directed to close this case.

**So ORDERED and SIGNED this 23rd day of February, 2016.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE